

GENERAL PURPOSES LICENSING COMMITTEE

Wednesday 19 October 2011

COUNCILLORS PRESENT: Councillors Brundin (Chair), Cook (Vice-Chair), Campbell, Clarkson, Goddard, Keen, Royce and Williams.

OFFICERS PRESENT: Julian Alison (Licensing Team Leader), Jill Cramer (Environmental Development), Tony Payne (Licensing and Development Manager), Daniel Smith (Law and Governance), Lois Stock (Democratic and Electoral Services Officer) and Dawn Cox (Team Leader - Environmental Development)

13. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillors Mike Gotch and Van Coulter.

14. DECLARATIONS OF INTEREST

None.

15. UPDATE ON TAXI LICENSING ACTIVITY APRIL 2011- AUGUST 2011

The Head of Environmental Development submitted a report (previously circulated, now appended) concerning an update on taxi licensing activity between April and August 2011. Julian Alison presented the report to the Committee and explained the background.

In answer to questions he explained that if a driver received a caution from the licensing team it would remain on the driver's licence and would be taken into account should any further problems occur. Council had recently agreed that officers could suspend driver's licences until the next meeting of the Hackney Carriages and Private Hire Sub committee should the offence be serious enough to warrant this action. Once a private hire driver plied for hire, he or she would not be insured for that journey; since private hire drivers were not insured for public hire.

Resolved to note the report.

16. CLOSED CIRCUIT TELEVISION IN LICENSED VEHICLES - CONDITIONS TO BE ATTACHED TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

The Head of Environmental development submitted a report (previously circulated, now appended) concerning closed circuit TV in licensed vehicles.

Resolved to:-

- (1) Approve the implementation of additional conditions (as set out in Appendix 1 of the report) to Hackney Carriage and Private Hire Vehicle licences in relation to the installation, operation and maintenance of CCTV systems;
- (2) Delegate to the Head of Environmental Development and the Head of Law and Governance the authority to make any textual changes to the proposed conditions.

17. DRAFT SEX ESTABLISHMENT LICENSING POLICY

The Head of Environmental Development submitted a report (previously circulated, now appended) concerning a draft Sex Establishment Licensing Policy. Julian Alison presented the report to the Committee and explained the background. The Committee was asked to decide whether it wished to treat the whole City as a single “relevant locality”, or to subdivide it into several “relevant localities” each to be determined separately. Daniel Smith reminded the Committee that there would be a need to consult on any proposals before they could be brought in, and in so doing the Council must be clear about:-

- What negative impact it sought to address by imposing any limit in numbers:
- What public interest the Council sought to serve by its actions?

The suggestion from Government guidance was to consider what the relevant locality was when an application was received.

Councillor Cook suggested that the Area Forums be consulted on what they deemed to be the relevant localities in their areas. Councillor Goddard felt that it was preferable to consider any impact in the relevant locality when an application was actually received by the Council. It was better, he felt, to determine each case on its merits.

Daniel Smith reminded the Committee that the Council resolution of April 2010 still stood. That gave guidance to applicants on locations in which sex establishments would not be considered suitable. Even if the Council was to adopt a zero limit on sex establishments, this was not an absolute, and there would remain a requirement to judge each case individually.

Having considered the draft Sex Establishment Licensing Policy, the Committee RESOLVED to adopt the draft policy as submitted *with the exception of* the optional parts in clauses 9.4 and 9.6 of the policy.

18. HORSE DRAWN CARRIAGES - CONSULTATION

The Head of Environmental Development submitted a report (previously circulated, now appended) concerning the outcome of the consultation on horse drawn carriages in Oxford. Julian Alison presented the report to the committee and explained the background.

Of concern to some members of the Committee was the issue of horse manure on the streets on Oxford. Kevin Merry (a proposed proprietor of horse drawn

carriages) explained that he proposed to have only 1 carriage and 2 horses, and that he did not feel it would be a big issue to clean up after them. Councillor Clarkson observed that this was not a major issue in York, a city which already had horse drawn carriages. Councillors Brundin and Campbell felt that the issue could be monitored over a period in order to collect any issues of concern. Daniel Smith reminded the Committee that any licence to operate horse drawn carriages would be renewed annually, thus allowed it to be reviewed and any problems addressed.

Having considered the report and all submissions, both written and oral, the Committee RESOLVED:-

- (1) To note the responses to the consultation regarding horse drawn carriages in Oxford;
- (2) To proceed with the implementation of the horse drawn carriage scheme;
- (3) To recommend to Council the making of the approved byelaws;
- (4) That subject to the making of the approved byelaws, Council authorises the Head of Law and Governance and Head of Environmental Development to carry out the necessary statutory procedures;

19. HACKNEY CARRIAGE UNMET DEMAND SURVEY

The Head of Environmental Development submitted a report (previously circulated, now appended) concerning the Hackney Carriage unmet demand survey.

Daniel Smith explained that this policy could only be changed by Council upon a recommendation from the Committee, and after the survey had been done. It had already been resolved that a survey of unmet demand would be carried out in 2012.

Resolved to authorise the Head of Environmental Development to tender for a new unmet demand survey; to be carried out in 2012, following the guidelines set by the Department of Transport.

20. DESIGNATION OF STREETS FOR STREET TRADING - CONSULTATION RESPONSES

The Head of Environmental Development submitted a report (previously circulated, now appended) concerning consultation responses on the designation of streets for street trading. Dawn Cox introduced this report to the Committee and explained the background.

With the agreement of the Committee, John Church (Bursar of Pembroke College) addressed the meeting and expressed concern about the proposals.

Tony Payne explained that the issue with having some streets designated as "prohibited" streets for trading meant that it could be seen to imply that street trading would be welcomed elsewhere. In fact, street trading was only permitted

with the consent of the local authority, and this should be clearly defined every time the phrase "consent street" was used. Councillor Brundin added that unless a specific application was granted by the local authority, then everything was prohibited, and that this was a clearer message to send out. Each application would therefore have to be decided on its merits. Councillor Cook asked if the proposed implementation date could be before 1st April 2012. Tony Payne advised the Committee that subject to Council adoption on 19th December 2011, and the decision being advertised in the local newspaper on 22nd or 29th December, the new designations could come into force on 1st February 2012.

Resolved to:-

- (1) Note the responses to the consultation;
- (2) Recommend that Council designates all streets within the Oxford City Council trading boundary as Consent Streets for the purposes of the Street Trading Scheme with effect from 1st February 2012;
- (3) Remove the designation of the Covered Market Walkways, the Clarendon Centre Walkways and the Westgate Centre Walkways;
- (4) Request the Head of Environmental Development to include a fee for daytime trading for sites outside the City centre, and for community/charitable events in the review of fees and charges for 2012/2013

21. MINUTES

Resolved to confirm as a correct record the minutes of the meeting held on 15th June 2011, with the following observations:-

Minute 8 – pavement stall size – was the agreement for a maximum stall size of 8ftx4ft being implemented? Officers confirmed that it was. There would be restrictions on the weekly-let stall by St Michael's in Cornmarket from December.

22. DATES OF FUTURE MEETINGS

Resolved to note that the next meeting would be held on 22nd February 2012.

The meeting started at 5.45 pm and ended at 6.45 pm